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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 SIERRA DEVELOPMENT CO.
12 Plaintiff,

13 vs.

14 CHARTWELL ADVISORY GROUP,
15 LTD.

16 Defendant.

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18 CHARTWELL ADVISORY GROUP,
19 LTD.

20 Counterclaimant,

21 vs.

22 SIERRA DEVELOPMENT CO., et
23 al.,

24 Counterdefendants.
25

CASE NO. 13cv602 BEN (VPC)

**ORDER DENYING
COUNTERCLAIM DEFENDANTS'
JOINT MOTION TO CLARIFY
ORDER**

[Dkt. # 617]

26 Counterclaim Defendants jointly move for clarification of the order dated
27 January 13, 2017. The motion is denied.

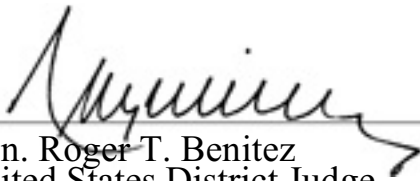
28 The Court issued rulings on several motions for summary judgment. As a

1 result, at trial Counterclaim Plaintiff Chartwell may pursue breach of contract
2 claims for fees owed on tax refunds or refund credits actually received in amounts
3 certain. Chartwell may also pursue unjust enrichment claims for fees from potential
4 tax refunds pursued, but waived, abandoned, or exchanged for settling litigation
5 with the State of Nevada and obtaining tax moratorium relief. This needs no
6 clarification. The Counterclaim Defendants' arguments now about the doctrine of
7 election of remedies requiring some different result is not the proper subject of a
8 motion for clarification and appears to lack merit.

9 The motion for clarification is denied.

10 **IT IS SO ORDERED.**

11 DATED: March 1, 2017

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13 Hon. Roger T. Benitez
14 United States District Judge
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